

BILL ANALYSIS

C.S.H.B. 4122
By: Kacal
Natural Resources
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note that the owner of a large contiguous tract of land may be subject to the jurisdiction of multiple groundwater conservation districts, each with different rules and regulations. The parties contend that complying with these different rules and regulations results in expense and hardship for the owner. C.S.H.B. 4122 seeks to address this issue by providing a mechanism by which an entire parcel of land may be included in the territory of a single district.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 4122 amends the Water Code to authorize the owner of a contiguous parcel of land that is greater than 1,000 acres in area and is included in the territory of two or more groundwater conservation districts to request, by a petition presented to the districts, that the districts transfer portions of their territories as necessary for the entire parcel to be included in the territory of a single district only if: the districts in which the parcel of land is located have regulatory authority over the same aquifer or subdivision of an aquifer that underlies the parcel of land, the district to which the owner of the land petitions the parcel of land to be transferred contains the portion of the parcel of land with the greatest amount of taxable value of property compared to each other portion of the parcel of land that is located in another district, none of the land included in the parcel has been transferred in such a manner by a previous petition, and all of the districts in which the parcel is located agree to the transfer. The bill requires the petitioner to provide a copy of the petition to each district in which the land is located and requires the petition to accurately describe the boundaries of the parcel, state the taxable value of the portion of the parcel of land in each district, and contain a statement from the district proposed to receive the portion of the parcel of land that the district is willing to accept the land.

C.S.H.B. 4122 authorizes each district, on receiving such a petition, to enter into an agreement with the other district or districts to effectuate the transfer of territory as requested and within a reasonable period of time. If a district from which territory is to be removed has outstanding debt or obligations, the bill requires that district and the district to which the territory is to be added to include in the agreement terms that ensure that the debts of the originating district are not impaired by the transfer of the territory. The bill requires the districts, on entering the agreement, to adopt a joint resolution approving the petition. The bill requires the resolution to provide the date on which the transfer is to be effective and establishes that on that date the requested land is

annexed to the territory of the district that is proposed to receive the land. The bill requires each district that adds or removes territory under the bill's provisions to notify the Texas Commission on Environmental Quality of the change in territory.

EFFECTIVE DATE

January 1, 2018.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 4122 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Chapter 36, Water Code, is amended by adding Subchapter J-1 to read as follows:

SUBCHAPTER J-1. TRANSFER OF CERTAIN TERRITORY

Sec. 36.341. PETITION TO TRANSFER. The owner of a parcel of land that is greater than 1,000 acres in area and is included in the territory of two or more groundwater conservation districts by a petition presented to the districts may request that the districts transfer portions of their territories as necessary for the entire parcel to be included in the territory of a single district.

Sec. 36.342. CONTENTS OF PETITION. A petition submitted under this subchapter must:

(1) accurately describe the boundaries of the parcel; and

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Chapter 36, Water Code, is amended by adding Subchapter J-1 to read as follows:

SUBCHAPTER J-1. TRANSFER OF CERTAIN TERRITORY

Sec. 36.341. PETITION TO TRANSFER. The owner of a contiguous parcel of land that is greater than 1,000 acres in area and is included in the territory of two or more groundwater conservation districts by a petition presented to the districts may request that the districts transfer portions of their territories as necessary for the entire parcel to be included in the territory of a single district only if:

(1) the districts in which the parcel of land is located have regulatory authority over the same aquifer or subdivision of an aquifer that underlies the parcel of land;

(2) the district to which the owner of the land petitions the parcel of land to be transferred contains the portion of the parcel of land with the greatest amount of taxable value of property compared to each other portion of the parcel of land that is located in another district;

(3) none of the land included in the parcel has been transferred under this subchapter by a previous petition; and

(4) all of the districts in which the parcel is located agree to the transfer.

Sec. 36.342. REQUIREMENTS FOR PETITION. (a) A petition submitted under this subchapter must

accurately describe the boundaries of the parcel.

The petitioner must provide a copy of the

(2) provide a statement from a district that is proposed to receive the portion of the parcel that the district is willing to accept the land into its territory.

Sec. 36.343. ACTIONS ON RECEIVING PETITION. (a) Each district on receiving a petition under this subchapter shall undertake to enter into an agreement with the other district or districts to effectuate the transfer of territory as requested and within a reasonable period of time. If a district from which territory is to be removed under this section has outstanding debt or obligations, that district and the district to which the territory is to be added shall enter into an agreement that ensures that the debts of the originating district are not impaired by the transfer of the territory. (b) On entering the agreement, the districts shall adopt a joint resolution approving the petition. The resolution must provide the date on which the transfer is to be effective. On that date, the requested land is annexed to the territory of the district that is proposed to receive the land.

Sec. 36.344. NOTIFICATION OF COMMISSION. Each district that adds or removes territory under this subchapter shall notify the commission of the change in territory.

SECTION 2. This Act takes effect September 1, 2017.

petition to each district in which the land described by Section 36.341 is located.

(b) The petition must:

(1) state the taxable value of the portion of the parcel of land in each district; and

(2) contain a statement from the district proposed to receive the portion of the parcel of land that the district is willing to accept the land.

Sec. 36.343. ACTIONS ON RECEIVING PETITION. (a) Each district, on receiving a petition under this subchapter, may enter into an agreement with the other district or districts to effectuate the transfer of territory as requested and within a reasonable period of time. If a district from which territory is to be removed under this section has outstanding debt or obligations, that district and the district to which the territory is to be added shall include in the agreement terms that ensure that the debts of the originating district are not impaired by the transfer of the territory.

(b) On entering the agreement, the districts shall adopt a joint resolution approving the petition. The resolution must provide the date on which the transfer is to be effective. On that date, the requested land is annexed to the territory of the district that is proposed to receive the land.

Sec. 36.344. NOTIFICATION OF COMMISSION. Each district that adds or removes territory under this subchapter shall notify the commission of the change in territory.

SECTION 2. This Act takes effect January 1, 2018.